

include individual transaction charges." (Office action at page 3). As explained below, applicants submit that the cited references, even when combined as suggested in the Office action, fail to teach or suggest all of the features of applicants' claims. Thus, *prima facie* obviousness has not been established. (See MPEP 2142 and 2143).

The Buscher reference discloses a data network for accessing and reviewing a *call record* while the associated call is still in progress and/or immediately after the call has been completed. More specifically, the Buscher reference discloses providing a telephone customer access to a telephone call record during the time that an associated call is still in progress. According to Buscher, the call record includes a calling number, a called number, a destination number, starting date and time, and duration of the call when it is terminated. (Column 2, line 58-63). In contrast, claim 45 recites, in part, "storing billing records associated with the user's telecommunications account in a data base, wherein said stored billing records include new billing records for which an invoice has not yet been issued to the user, and wherein said new billing records include *individual transaction charges* from a *plurality of entities*." As acknowledged in the Office action, the Buscher reference does not teach billing records relating to charges from a plurality of entities. Rather, the Buscher reference merely discloses providing a telephone customer access to a telephone call record. The rejection of claim 45 is apparently based on the view that accessing call records is equivalent to accessing new billing records. However, applicants respectfully submit that such a view is contrary to the definition of the call record as set forth in the Buscher reference. The Buscher reference fails to disclose that the calling record includes transaction charge information. In fact, the Buscher reference discloses that the toll switch (TS) 105 sends the call record to its associated billing data server 250, which then supplies the record to billing center 260. Although the Buscher reference describes the

billing center as determining the cost (charges) for the call, it fails to disclose access to such charging information in the calling record. (Column 2, lines 55-58).

Moreover, Northington does not teach or suggest telecommunications billing records as disclosed by applicants. In fact, the Northington reference is completely silent as to "billing records." Northington discloses a system that enables real-time consolidation, monitoring and control of an entity's financial transactions as performed by various independent computerized systems. (Column 2, lines 21-26). More specifically, Northington discloses a system that provides an entity with the ability to track purchasing and spending activities of individuals, separate groups, or the entire entity. (Column 3, lines 4-10). Financial transactions are described in the Northington reference as including transactions in financial systems such as credit card networks, automatic teller networks, electronic banking networks and systems, governmental financial networks, and other types of electronic commerce networks and systems through which an entity performs purchasing, spending, invoicing, payment or credit receipts, and other financial transactions. (Column 5, lines 16-25).

As disclosed in applicants' patent application, individual billing records reflect individual telecommunication transactions such as when a long distance call is placed from a telephone in City X to a telephone in City Y. (Application page 22, lines 12-15). In this regard, claim 45 particularly recites that the new billing records include individual transaction charges from a plurality of entities. In contrast to claim 45, the portions of the Northington reference cited in the Office action merely refer to transactions within financial systems. It appears the rejection of claim 45 is also based on the view that individual transaction costs as claimed by applicants are equivalent to financial transactions. However, applicants respectfully submit that the Northington reference, which is limited to transactions within a financial system, teaches away

from applicants' billing records. Although the system disclosed in Northington could be used to track the payment of bills with credit cards or some other type of electronic commerce networks (i.e., spending), nothing in the Northington reference suggests accessing billing records associated with one or more telecommunication accounts.

Moreover, applicants submit that selective combination of these references is based on hindsight gleaned from the invention itself rather than from a teaching in the art suggesting their combination. The Office action makes only the bare assertion that it would have been obvious to one of ordinary skill in the art to combine the teachings of the Buscher and Northington references without mention of any motivation for the combination found in the references themselves. (See Office action, page 3). Even if the Office takes into account knowledge available at the time of the claimed invention, the cited art must support the selective combination of the references by suggesting the desirability of making the combination. See Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ 2d 1434, 1438 (Fed. Cir. 1988). In other words, the references must provide a motivating force to impel their combination. See Ex parte Levergood, 28 USPQ2d 1300. As such, it appears as if impermissible hindsight reconstruction was used to pick and choose from the prior art, using applicants' invention as a guide. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP § 2143.01 (citing In re Mills, 916 F.2d 680 (Fed. Cir. 1990)).

In light of the foregoing, applicants submit that claim 45 is allowable over the cited art. Claim 46 depends from claim 45 and is believed to be allowable for at least the same reasons and the independent claim from which it depends.

Claim 62 recites, in part, a method for "displaying the stored billing records to the user over the data network, including displaying the individual transaction charges for which an invoice has not yet been issued to the user, and wherein said new billing records include ***individual transaction charges from a plurality of entities.***" Inasmuch as the Buscher and Northington references fail to teach or suggest these aspects of the invention, claim 62 is also believed to be allowable.

In view of the foregoing, applicants respectfully submit that the Buscher and Northington references, whether considered separately or together, fail to teach or suggest applicants' invention as recited in amended claims 45, 46, or 62. Thus, one of ordinary skill in the art would not have found it obvious to modify the teachings of Buscher, or to combine the Buscher and Northington references, to create applicants' invention. Accordingly, applicants respectfully submit claims 45, 46, and 62 are in condition for allowance.

Claims 48, 49, 58, 64, and 65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buscher, in view of Northington, and further in view of U.S. Patent 5,843,445 to Pickering. As set forth above, independent claims 45 and 62 are patentable over the combination of Buscher and Northington because the hindsight combination fails to teach or suggest each and every aspect of the invention, including accessing or displaying individual billing records for which an invoice has not yet been issued to the user. Pickering also fails to teach or suggest accessing or displaying individual billing records ***for which an invoice has not yet been issued to the user.*** The fact the Pickering may disclose billing records are telecommunications billing records does not render these claims obvious. Inasmuch as claims 48 and 49 depend from claim 45, and claims 64 and 65 depend from claim 62, these claims are likewise allowable.

Claims 50 and 52 stand rejected under 35 USC 103(a) as being unpatentable over Buscher, in view of Northington, and further in view of U.S. Patent 5,864,613 to Flood. The Office action asserts that the combination of the Buscher, Northington, and Flood references renders claim 50 obvious because Flood teaches a long distance transaction event monitor. The Office action further asserts that the combination renders claim 52 obvious because Flood also teaches disabling the telecommunications device when a user-specified criteria relating to billing records is satisfied. Nevertheless, the selective combination of the Buscher, Northington, and Flood references fails to teach or suggest displaying individual billing records for which an invoice has not yet been issued to the user. The fact the Flood may disclose a long distance transaction event monitor or disabling the telecommunications device when a user-specified criteria relating to billing records is satisfied does not render independent claim 45 obvious. Therefore, claim 45 is allowable over Flood. As such, claims 50 and 52, which depend from claim 45, are likewise allowable.

Claims 57, 60, and 61 stand rejected under 35 USC 103(a) as being unpatentable over Buscher and Northington, in view of U.S. Patent 6,104,704 to Buhler et al. In addition, claim 59 stands rejected under 35 USC 103(a) as being unpatentable over Buscher and Northington, in view of U.S. Patent 6,377,993 to Brandt. As discussed above, claim 45 is allowable over the cited art. As such, claims 57, 59, 60, and 61, which depend from claim 45, are also believed to be allowable.

In view of the above, applicants respectfully submit that pending claims 45, 46, 48-50, 52, 57-62, 64, and 65 are allowable over the cited art and that the subject application is now in condition for allowance.

The fact that applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating applicants' agreement therewith.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert M. Bain". The signature is written in a cursive style with a large, stylized "R" and "B".

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